IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

Crl.MC.No. 257 of 2007()

MC.94/2006 of SUB DIVISIONAL MAGISTRATE COURT, KOLLAM

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PETITIONER: 40TH RESPONDENT

R.RADHAKRISHNA KURUP,
AGED 44 YRS, S/O.RAGHAVA KURUP,
PARVANENDHU, THEKKEMURI, VALLIKUNNU P.O.,
(KADUVILA MURI), ALAPPEY DISTRICT.

BY ADV. SRI.K.V.SABU

RESPONDENTS: COMPLAINANT

SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.257 of 2007

Dated this the 13th day of March 2007

O R D E R

The petitioner is the 40th respondent in proceedings initiated under Section 107 Cr.P.C. The proceedings have been initiated by the Sub Divisional Magistrate on the basis of a report submitted by the Sub Inspector of Police, Karunagappally Police Station. Under the impugned order, the petitioner has been directed along with the others to appear and show cause why he should not be proceeded against under Section 107 Cr.P.C.

2. The short grievance of the petitioner is that there is absolutely no allegation which would justify invocation of the powers under Section 107 Cr.P.C against the petitioner. There is not even an allegation that the petitioner is involved in any crime within the jurisdiction of the Sub Divisional Magistrate or the Karunagappally Police Station, the Sub Inspector of which police station has made the report.

3. The learned Public Prosecutor was requested to explain how, in these circumstances, the proceedings are sought to be initiated against the petitioner herein, that is the 40th

respondent. The learned Public Prosecutor, after perusing the case diary and after taking instructions, submitted that he is also unable to lay his hands on any specific allegations which would justify initiation of proceedings against the petitioner. Except that the other accused are activists of the B.J.P and the petitioner also happends to be a leader of the BJP in the neighbouring district of Alappuzha, there is no other allegations raised specifically against the petitioner for initiating the proceedings within the jurisdiction of the Sub Divisional Magistrate, Kollam. There is no serious attempt to support the initiation of proceedings on any legally acceptable grounds. I am, in these circumstances, satisfied that the prayer of the petitioner deserves to be allowed.

4. This Criminal Miscellaneous Case is, in these circumstances, allowed. Proceedings in M.C.No.94/06 in so far as it relates to the petitioner herein, that is the 40th respondent, is hereby quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006